IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 186 of 1999

Between:

1. Boya Chinnappa S/o Ramanna, aged about 44 years,
2. Boya Papanna, S/o Ramanna, died by LRs

His wife Boya Narasamma, aged about 39 years,

3. Boya Chennappa S/o late Boya Papanna, aged about 24 years,

All are residents of Marala village, Bukkapatnam,

Mandal:Anantapur District,

..... PETITIONERS

AND

1. The Mandal Revenue Officer, Bukkapatnam Mandal,

Anantapur District,

2. The Joint Collector, Anantapur District,

3. The Commissioner of Land Revenue, Govt. of A.P.

Nampally, Hyderabad.

4. M.Jayaramulu, S/o Lakshmanna, aged about 45 years,

5. M.Subbamma, S/o Lakshmanna, aged about 60 years,

(R-4 and R-5 are residents of Marala village, Bukkapatnam Mandal,

Anantapur District).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of a writ of mandamus declaring the proceedings D.Dis.A4/6212/95, dated 13-6-1997 of the second respondent and proceedings No.BCW1/810/97, dated 16-10-1998 of the third respondent as illegal, irregular, arbitrary, unjustified, unwarranted, contrary to law, unconstitutional, unreasonable, contrary to the provisions of Board Standing Orders and unsustainable and set aside the same holding that the petitioners are entitled to retain with possession and enjoyment of the extent of the lands assigned to them as per the original pattas.

Counsel for the Petitioners: MR.P.VEERA REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE

Counsel for the respondent No.4: Mr.O.Manohar Reddy

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.186 OF 1999

ORDER:

The first petitioner and one Boya Papanna were assigned lands admeasuring about Acs.5.00 in Marala village of Bukkapatnam Mandal in Anantapur District. The

respondents 4 and 5 were also assigned the lands in the same village to a lesser extent. It appears, in 1995 the Mandal Revenue Officer, Bukkapatnam submitted a report to the Joint Collector to the effect that at the time of assignment, possession of the land was not properly verified and considered. On that ground, cancellation of the assignment was sought. The second respondent herein by order dated 13.06.1997, accepted the report and while cancelling the assignment made in favour of the petitioners as well as respondents 4 and 5, directed the Mandal Revenue Officer to conduct enquiry and assign the land in question in favour of the occupants as per the enjoyment on the ground strictly according to the eligibility and actual measurements. At the instance of the petitioners herein, the third respondent while exercising revisional jurisdiction, by impugned order dated 16.10.1998, agreed with the Joint Collector and ordered that assignment should be made in favour of the eligible persons strictly in accordance with the occupation and possession at the ground level.

Under paragraph 15 (1) of Board Standing Orders (BSO), a person in occupation of Government land gets a priority right for assignment. Indeed BSO 15 (7) (1) is to the effect that when a person is in occupation of the Government land, Tahasildar should obtain a formal application and dispose of each application in the manner provided under BSO 15 (9), which deals with grant of Darakast. When the Mandal Revenue Officer, Joint Collector and Commissioner of Land Revenue, as a finding of fact come to a conclusion that there was no proper verification of possession, the matter certainly requires further probe. The Mandal Revenue Officer is directed to complete the enquiry as ordered by the Commissioner of Land Revenue and take appropriate action within a period of eight (8) weeks from the date of receipt of a copy of this order. I do not find any illegality or infirmity in the impugned order.

The writ petition is wholly misconceived and is accordingly dismissed.

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(V.V.S.RAO,J)

26.07.2004.

pln

To

1.The Mandal Revenue Officer, Bukkapatnam Mandal,

Anantapur District,

2.The Joint Collector, Anantapur District,

3.The Commissioner of Land Revenue, Govt. of A.P. Nampally,

Hyderabad.

4.2CCs to the Govt. Pleader for Revenue, High Court Builidngs,

Hyderabad (OUT)

5. 2CD copies